

Rec # 5440-AA

12

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
BAY CITY DIVISION

BROADCAST MUSIC, INC.; UNIVERSAL-SONGS  
OF POLYGRAM INTERNATIONAL, INC.;  
SURE-FIRE MUSIC COMPANY, INC.; ROBERT  
KUYKENDALL, BRET M. SYCHAK, RICHARD A.  
REAM and BRUCE JOHANNESSON, a partner-  
ship d/b/a CYANIDE PUBLISHING; KEN  
ADAMANY, RICK NIELSEN, BRAD CARLSON,  
ROBIN ZANDER and TOM PETERSON, a  
partnership d/b/a ADULT MUSIC; SCREEN  
GEMS-EMI MUSIC, INC.; KENNETH GIST a/k/a  
KENNY O'DELL d/b/a KENNY O'DELL MUSIC;  
EMI BLACKWOOD MUSIC INC.; SCARLET MOON  
MUSIC INC.; BARRY DeVORZON d/b/a JELINDA  
MUSIC; SONY/ATV SONGS LLC d/b/a SONY/ATV  
TREE PUBLISHING; BIG YELLOW DOG, LLC  
d/b/a BIG YELLOW DOG MUSIC; TOBY KEITH  
COVEL, an individual d/b/a TOKECO TUNES,

Plaintiffs,

v.

FMS, INC. d/b/a LUCKY'S PUB/THE WESTOWN,  
KNIGHTS ENTERTAINMENT, INC. d/b/a  
JAY SAMBORN ENTERTAINMENT and  
JAY M. SAMBORN, individually,

Defendants.

Hon.

Case No.

05-10046

DAVID M. LAWSON

CLERK OF DISTRICT JUDGE BINDER

COMPLAINT

**FILED**

FEB - 8 2005

CLERK'S OFFICE  
U.S. DISTRICT COURT  
ANN ARBOR, MI

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows:

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 et seq. (the "Copyright Act"). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

THE PARTIES

3. Plaintiff, Broadcast Music, Inc. ("BMI"), is a corporation organized and existing under the laws of the State of New York. BMI's principal place of business is 320 West 57th Street, New York, New York 10019. BMI has been granted the right to license the public performance rights in approximately 4.5 million copyrighted musical compositions (the "BMI repertoire"), including those which are alleged herein to have been infringed.

4. The other Plaintiffs are the owners of the copyrights in the musical compositions which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Upon information and belief, Defendant FMS, Inc. is a corporation organized and existing under the laws of the state of Michigan, which operates, maintains and controls an establishment known as Lucky's Pub/The Westtown ("Lucky's"), located at 611-615 E. Midland Street, Bay City, Michigan 48706, in this district. In connection with the operation of this business, Defendant FMS, Inc. publicly performs musical compositions and/or causes musical compositions to be publicly performed and has a direct financial interest in that establishment.

5a. Upon information and belief, Defendant Knights Entertainment, Inc. d/b/a Jay Samborn Entertainment is a corporation organized and existing under the laws of the state of Michigan, which provides karaoke services. In connection with the operation of this business, Defendant Knights Entertainment, Inc. publicly performs musical compositions and/or causes musical compositions to be publicly performed and a direct financial interest such activities.

5b. Upon information and belief, Defendant Knights Entertainment, Inc. publicly performs musical compositions and/or causes musical compositions to be publicly performed at Lucky's.

5c. Upon information and belief, Defendant Jay M. Samborn is an officer of Defendant FMS, Inc. with primary responsibility for the operation and management of that corporation.

5d. Upon information and belief, Defendant Jay M. Samborn has the right and ability to supervise the activities of Defendant FMS, Inc. and a direct financial interest in that corporation.

5e. Upon information and belief, Defendant Jay Samborn is an officer of Defendant Knights Entertainment, Inc. with primary responsibility for the operation and management of that corporation.

5f. Upon information and belief, Defendant Jay Samborn has the right and ability to supervise the activities of Defendant Knights Entertainment, Inc. and a direct financial interest in that corporation.

#### CLAIMS OF COPYRIGHT INFRINGEMENT

6. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 5.

7. Plaintiffs allege ten (10) claims of copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

8. Annexed as the Schedule and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the ten (10) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information: Line 1 providing the claim number;

Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 noting the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the Registration number(s); Line 7 showing the date(s) of infringement; and Line 8 identifying the location of the establishment where the infringement occurred.

9. Each of the musical compositions identified on the Schedule, Line 2, was created by the persons named on Line 3 (all references to "Lines" are to lines on the Schedule).

10. On or about the dates indicated on Line 5, the publishers named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the numbers listed on Line 6.

11. On the dates listed on Line 7, Plaintiff BMI was and still is the licensor of the public performance rights in the musical compositions identified on Line 2. On the dates listed on Line 7, the Plaintiffs listed on Line 4 were and still are the owners of the copyright in the respective musical composition listed on Line 2.

12. On the dates listed on Line 7, Defendants performed and/or caused the musical compositions identified on Line 2 to be publicly performed on the premises of Lucky's without a license or permission to do so. Thus, Defendants have committed copyright infringement.

13. Defendants performed and/or caused such musical compositions to be publicly performed notwithstanding repeated warnings from Plaintiff BMI that the performance on the premises of Lucky's, without permission from the copyright owners, did and would constitute infringement of copyright in violation of Title 17 of the United States Code.

14. The specific acts of copyright infringement alleged, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI repertoire at Lucky's, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

RELIEF REQUESTED

WHEREFORE, Plaintiffs pray that:

(I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

(II) Defendants be ordered to pay statutory damages in an amount not greater than \$30,000.00 nor less than \$750.00 per claim of infringement, pursuant to 17 U.S.C. Section 504(c);

(III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. Section 505; and

(IV) That Plaintiffs have such other and further relief as is just and equitable.

Dated: February 8, 2005

By: 

Patrick M. McCarthy (P49100)  
Howard & Howard Attorneys PC  
Attorney for Plaintiffs  
101 N. Main Street, Suite 300  
Ann Arbor, MI 48104  
Telephone: 734-222-1097

## *Schedule*

Line 1	Claim No.	1
Line 2	Musical Composition	Brown Eyed Girl
Line 3	Writer(s)	Van Morrison
Line 4	Publisher Plaintiff(s)	Universal - Songs Of Polygram International, Inc.
Line 5	Date(s) of Registration	5/2/67
Line 6	Registration No(s).	Eu 993451
Line 7	Date(s) of Infringement	10/3/04
Line 8	Place of Infringement	Lucky's Pub/The Westown

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Line 1	Claim No.	2
Line 2	Musical Composition	Coal Miner's Daughter
Line 3	Writer(s)	Loretta Lynn
Line 4	Publisher Plaintiff(s)	Sure-Fire Music Company, Inc.
Line 5	Date(s) of Registration	10/31/69
Line 6	Registration No(s).	Ep 264942
Line 7	Date(s) of Infringement	10/3/04
Line 8	Place of Infringement	Lucky's Pub/The Westown

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Line 1	Claim No.	3
Line 2	Musical Composition	Every Rose Has Its Thorn
Line 3	Writer(s)	Bret Michael Sychak p/k/a Bret Michaels; Bruce Anthony Johannesson p/k/a C.C. DeVille; Robert Harry Kuykendall p/k/a Bobby Dall; Richard Alan Ream p/k/a Rikki Rockett
Line 4	Publisher Plaintiff(s)	Robert Kuykendall, Bret M. Sychak, Richard A. Ream, and Bruce Johannesson, a partnership d/b/a Cyanide Publishing
Line 5	Date(s) of Registration	8/1/88
Line 6	Registration No(s).	PA 374-492
Line 7	Date(s) of Infringement	10/3/04
Line 8	Place of Infringement	Lucky's Pub/The Westown

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Line 1	Claim No.	4
Line 2	Musical Composition	I Want You To Want Me
Line 3	Writer(s)	Rick Nielsen
Line 4	Publisher Plaintiff(s)	Ken Adamany, Rick Nielsen, Brad Carlson, Robin Zander and Tom Peterson, a partnership d/b/a Adult Music; Screen Gems-EMI Music, Inc.
Line 5	Date(s) of Registration	7/7/77 4/20/79
Line 6	Registration No(s).	Eu 809938 PA 42-276
Line 7	Date(s) of Infringement	10/3/04
Line 8	Place of Infringement	Lucky's Pub/The Westown

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Line 1	Claim No.	5
Line 2	Musical Composition	Jessie's Girl
Line 3	Writer(s)	Richard Lewis Springthorpe a/k/a Rick Springfield
Line 4	Publisher Plaintiff(s)	Universal - Songs Of Polygram International, Inc.
Line 5	Date(s) of Registration	4/28/81 11/20/81
Line 6	Registration No(s).	PA 100-885 PA 124-280
Line 7	Date(s) of Infringement	10/2/04
Line 8	Place of Infringement	Lucky's Pub/The Westown

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Line 1	Claim No.	6
Line 2	Musical Composition	Mama He's Crazy AKA Mama She's Lazy
Line 3	Writer(s)	Kenneth Guy Gist, Jr. a/k/a Kenny O'Dell
Line 4	Publisher Plaintiff(s)	Kenneth Gist a/k/a Kenny O'Dell d/b/a Kenny O'Dell Music
Line 5	Date(s) of Registration	2/24/84 11/13/84
Line 6	Registration No(s).	PA 202-106 PA 236-641
Line 7	Date(s) of Infringement	10/3/04
Line 8	Place of Infringement	Lucky's Pub/The Westown

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Line 1	Claim No.	7
Line 2	Musical Composition	Nothin' But A Good Time
Line 3	Writer(s)	Bret Michael Sychak p/k/a Bret Michaels; Bruce Anthony Johannesson p/k/a C.C. DeVille; Robert Harry Kuykendall p/k/a Bobby Dall; Richard Ream p/k/a Rikki Rockett
Line 4	Publisher Plaintiff(s)	Robert Kuykendall, Bret Michaels, Rikki Rockett and Bruce Johannesson, a partnership d/b/a Cyanide Publishing
Line 5	Date(s) of Registration	8/15/88
Line 6	Registration No(s).	PA 377-966
Line 7	Date(s) of Infringement	10/3/04
Line 8	Place of Infringement	Lucky's Pub/The Westown

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Line 1	Claim No.	8
Line 2	Musical Composition	Wild Thing
Line 3	Writer(s)	Chip Taylor
Line 4	Publisher Plaintiff(s)	EMI Blackwood Music Inc.
Line 5	Date(s) of Registration	11/18/85
Line 6	Registration No(s).	Ep 210347
Line 7	Date(s) of Infringement	10/2/04
Line 8	Place of Infringement	Lucky's Pub/The Westown

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Line 1	Claim No.	9
Line 2	Musical Composition	She Thinks My Tractor's Sexy
Line 3	Writer(s)	Jim Collins; Paul Overstreet
Line 4	Publisher Plaintiff(s)	EMI Blackwood Music, Inc.; Scarlet Moon Music Inc.; Barry DeVorzon d/b/a Jelinda Music
Line 5	Date(s) of Registration	5/14/99
Line 6	Registration No(s).	PA 950-753
Line 7	Date(s) of Infringement	10/4/04
Line 8	Place of Infringement	Lucky's Pub/The Westown

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Line 1	Claim No.	10
Line 2	Musical Composition	Whiskey Girl
Line 3	Writer(s)	Scott Emerick, Toby Keith
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Tree Publishing; Big Yellow Dog, LLC d/b/a Big Yellow Dog Music; Toby Keith Covert, an individual d/b/a Tokeco Tunes
Line 5	Date(s) of Registration	11/21/03
Line 6	Registration No(s).	PA 1-203-072
Line 7	Date(s) of Infringement	10/4/04
Line 8	Place of Infringement	Lucky's Pub/The Westown

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**05-10046****PATENT, TRADEMARK and COPYRIGHT INFORMATION**

(To be distributed when 820, 830, 840 category case is filed)

1. This is not a Patent action.

**DAVID M. LAWSON**

2. This is a Copyright action:

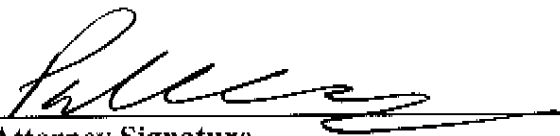
**MAGISTRATE JUDGE ERMEL**

Plaintiffs in this action own the licensing rights to the music in this matter. Defendant has failed to get the necessary license(s) to play/perform Plaintiffs' copyrighted materials. Plaintiffs in this action are seeking injunctive relief as well as an award of actual damages, profits, costs and attorney's fees sustained by Plaintiffs attributable to Defendants' continued use, delivery, and making available for use or delivery copyrighted music for which Plaintiffs have a copyrighted interest.

<u>Registration Number(s)</u>	<u>Title of Work</u>	<u>Author of Work</u>
Eu 993451	Brown Eyed Girl	Van Morrison
Ep 264942	Coal Miner's Daughter	Loretta Lynn
PA 374-492	Every Rose Has Its Thorn	Bret Michael Sychak p/k/a Bret Michaels; Bruce Anthony Johannesson p/k/a C.C. DeVille; Robert Harry Kuykendall p/k/a Bobby Dall; Richard Alan Ream p/k/a/ Rikki Rockett
Eu 809938, PA 42-276	I Want You To Want Me	Rick Nielsen
PA 100-885, PA 124-280	Jessie's Girl	Richard Lewis Springthorpe a/k/a Rick Springfield
PA 202-106, PA 236-641	Mama He's Crazy AKA Mama She's Lazy	Kenneth Buy Gist, Jr. a/k/a Kenny O'Dell
PA 377-966	Nothin' But A Good Time	Bret Michael Sychak p/k/a Bret Michaels; Bruce Anthony Johannesson p/k/a C.C. DeVille; Robert Harry Kuykendall p/k/a Bobby Dall; Richard Ream p/k/a Rikki Rockett
Ep 210347	Wild Thing	Chris Taylor
PA 950-753	She Thinks My Tractor's Sexy	Jim Collins; Paul Overstreet
PA 1-203-072	Whiskey Girl	Scott Emerick, Toby Keith

3. This is not a Trademark action.

2-8-05

  
 Attorney Signature

3/99)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**  
Broadcast Music, Inc. et. al.  
**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF** New York  
(EXCEPT IN U.S. PLAINTIFF CASES)  
**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**  
Patrick M. McCarthy (P49100)  
Howard & Howard Attorneys, P.C.  
101 N. Main Street, Suite 300  
Ann Arbor, MI 48104  
(734) 222-1483

**DEFENDANTS**  
FMS, Inc. d/b/a Lucky's Pub/The Westown, Knights Entertainment, Inc. d/b/a Jay Samborn Entertainment and Jay M. Samborn, Individually  
COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Bay  
(IN U.S. PLAINTIFF CASES ONLY)  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED  
ATTORNEYS (IF KNOWN)  
**05-10046**  
**DAVID M. LAWSON**  
**MAGISTRATE JUDGE BINGHAM**

**II. BASIS OF JURISDICTION** (PLACE AN "X" IN ONE BOX ONLY)  
☐ 1 U.S. Government Plaintiff  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)  
Citizen of This State ☐ 1 PTF ☐ 1 DEF  
Citizen of Another State ☐ 2 PTF ☐ 2 DEF  
Citizen or Subject of a Foreign Country ☐ 3 PTF ☐ 3 DEF  
Incorporated or Principal Place of Business in This State ☐ 4 PTF ☐ 4 DEF  
Incorporated and Principal Place of Business in Another State ☐ 5 PTF ☐ 5 DEF  
Foreign Nation ☐ 6 PTF ☐ 6 DEF

**V. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agricultural <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R&R & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Rel. Inc. Security Act	<input type="checkbox"/> 422 Appeal <input type="checkbox"/> 423 Withdrawal <input type="checkbox"/> 425 28 USC 157 <b>PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395(f)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party <input type="checkbox"/> 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/Intc. <input type="checkbox"/> 480 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 510 Selective Service <input type="checkbox"/> 550 Securities/Commodities/Exchange <input type="checkbox"/> 575 Customer Challenge <input type="checkbox"/> 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions

**IV. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)  
☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL UNLESS DIVERSITY.)  
17 U.S.C. Section 502 - Copyright Infringement

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION DEMAND \$  
☐ UNDER F.R.C.P. 23  
CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ YES ☒ NO

**VIII. RELATED CASE(S) IF ANY** (See Instructions)  
JUDGE  
DOCKET NUMBER

DATE February 8, 2005  
SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY  
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**PURSUANT TO LOCAL RULE 83.11**

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes:

\_\_\_\_\_